

Spill Prevention, Control and Countermeasure Plan Guidance

This handout is intended to serve as a brief explanation of the Oil Spill Prevention Regulations (40 Code of Federal Regulations Part 112), a part of the federal Clean Water Act (Public Law 92-500). The regulations require certain facilities to prepare and implement Spill Prevention, Control and Countermeasure (SPCC) Plans.

Which facilities need to have an SPCC Plan?

Your facility does if you:

- ✓ store oil¹ above ground in any single tank over 660 gallons; or
- ✓ store oil above ground in any size tank(s) with a total aggregate volume over 1,320 gallons; or
- ✓ store oil below ground in any size tank(s) with a total aggregate volume of 42,000 gallons; and
- ✓ could be reasonably be expected to discharge oil to a “navigable water of the United States” or “adjoining shorelines” considering a possible worst-case scenario. (Think of the largest tank bursting during a heavy rain fall at 2 a.m. on a Sunday morning and not being discovered until the opening of work on Monday morning. How far from the facility could the oil have gone?)

If you suspect your facility must comply with this regulation, you should read the referenced regulation, and seek the services of a registered professional engineer. If you are unsure as to whether your facility is subject to the regulation, you can call EPA at the number listed below.

What is the purpose of the Spill Prevention, Control, and Countermeasure Plan?

To develop procedures and methods to prevent the discharge of oil from a facility into the navigable waters or adjoining shorelines. A key part of the plan is a requirement that your facility have adequate secondary containment, such as berms and dikes around oil tanks.

Is there a particular form or format for the information?

No, EPA does not expect any two plans to look alike, as no two facilities are built or operated alike. Minimum topics would include:

- ✓ facility layout and drainage patterns;
- ✓ list of all oil storage;
- ✓ quantities of oil that could be released, with predicted path of flow and flow rate;
- ✓ procedures for receiving oil from supplier, transfer of oil within the facility, end point uses of the oil, waste oil disposal;
- ✓ effects of a spill at the facility, fire hazards, employee evacuation, customer/neighbor considerations, press relations;
- ✓ capacity of secondary containment devices (required);
- ✓ cleanup procedures, use of in-house staff versus contractors (union considerations);
- ✓ notification list. Name and phone numbers of in-house management, remote management, fire and police; municipal, state and federal agencies requiring notification;
- ✓ facility security for prevention of internal sabotage, external vandalism;
- ✓ employee training for spill prevention, oil handling, and spill clean-up (if applicable); and OSHA considerations.

Where is an SPCC Plan filed?

A copy of the SPCC Plan must be maintained at any facility manned at least 8 hours per day; for remote locations, the SPCC Plan should be filed at the nearest field office. The Plan should not just be placed in a manager's file cabinet. Copies should be made for posting in plain view at oil storage locations. **All employees should be aware of the plan.** A copy **does not** have to be filed with EPA or any other agency, unless it is a condition of a permit or license held by the facility. However, the SPCC Plan must be available during normal business hours for review by an EPA inspector.

Who cares if my facility does not have a plan?

Your supervisor. Cleaning up spills is expensive, creates downtime, gives the facility a bad public reputation. "An ounce of prevention is worth a pound of cure."

The U.S. EPA. The penalty for failure to have an SPCC Plan can be up to \$25,000 per day of violation, if a federal judicial case is filed, or up to \$125,000 if an administrative action is filed. The EPA performs random, unannounced inspections of facilities suspected of needing a SPCC Plan. The EPA currently has an enforcement initiative to ensure that public agencies are held to the same standard that industrial/commercial facilities are required to meet.

Are there other requirements of the Oil Spill Prevention regulations?

In addition to being required to prepare and implement an SPCC Plan, the facility is obligated to:

- ✓ have the plan certified by a Registered Professional Engineer;
- ✓ to amend the SPCC Plan if there are changes in facility design, construction, operation or maintenance which materially affects the facility's potential for the discharge of oil;
- ✓ to amend the Plan after having two or more spills in 12 months, or a spill of 1,000 gallons; and
- ✓ to review the SPCC Plan at least once every three years.

If I have questions about the federal SPCC program, who should I call?

Donald Grant
Oil Spill - SPCC Enforcement Coordinator
1 Congress Street
Suite 1100 (SEW)
Boston, MA 02114
Tel: (617)918-1768

What other related health/safety/environmental regulations should I be aware of?

C.F.R.	Agency	Target
29 CFR 1910.106	OSHA	All oil storers
33 CFR 154	USCG	Marine terminals
33 CFR 156	USCG	Marine oil transporters
40 CFR 264, 265	EPA	Hazardous waste generators
40 CFR 355	EPA	Chemical storers & users
40 CFR 761	EPA	Hazardous waste (PCB) users
40 CFR 195	DOT/BPS	Pipelines

All of these documents may be obtained through the Government Printing Office, which maintains a bookstore at the following address:

Superintendent of Documents
Thomas P. O'Neill Federal Building
10 Causeway Street, Room 169
Boston, MA 02203
Tel: (617)720-4180
Hours: 8:30 a.m to 4:00 p.m., Monday thru Friday

Those facilities storing "Flammable and Combustible Liquids" will also need to consult NFPA 30, 30A and 31 in preparing its SPCC Plan. These documents are available through:

National Fire Protection Association
Batterymarch Park
Quincy, MA 02269
Tel: (800)344-3555
Hours: 8:30 a.m. to 8:00 p.m.

1. "Oil" means oil of any kind, in any form, including but not limited to: heating oils, motor fuels, lubricating oils, waste lubricating oils, cutting oils, quenching oils, hydraulic oils, transformer oils, and cooking oils. There is no distinction between intra-facility use and re-sale, or industrial, commercial, agricultural or residential.

Responsibilities and Liabilities for Oil and Hazardous Substance Releases under Federal Statutes

	Oil	Hazardous Substance
Authority:	Clean Water Act P.L. 92-500 Section 311 (as amended by Oil Pollution Act of 1990)	CERCLA (Superfund) P.L. 96-51 (as amended by SARA P.L. 99-499)
Pollutant	Oil of any kind - Part 110.	Hazardous substances
Defined:	Certain hazardous substances listed in Part 116	Hazardous wastes
Reportable	Oil: a sheen on water	Quantities listed in 40 CFR Part 302
Quantities:	Hazardous substances: listed in 40 CFR Part 117	
Media:	"Navigable water of the US" wetlands to the ocean; adjoining shorelines. Threatening the above.	All media endangering human health: air/land/water/groundwater

Notification:	Mandatory under Part 110	
Where to call:	National Response Center	Same
all:	(run by DOT in Washington, DC) Tel: (800)424-8802 24 hrs/day	
inland:	EPA, Region 1 (all New England) Tel: (617)223-7265 24 hrs/day	Same
coastal:	local Coast Guard office see phone book under Federal for tel. #	Same
all:	local office of the state environmental agency see phone book	Same

Spill Liabilities

Failure to notify:	CWA Sec 311 (b) (5)	CERCLA Sec 103
Penalties	CWA Sec 311 (b) (6)	CERCLA Sec 109
Cost recovery for gov't cleanup	CWA Sec 311 (f)	CERCLA Sec 107

Owner of spilled/released material (not to be confused with who caused the spill) is responsible for:

- ✓ Removing the material from the “environment” (public property). Cleaning of highways, storm drains, bridge abutments, etc.
- ✓ Removing the material from private property, such as boat hulls, parking lots.
- ✓ Paying for natural resources damages (lost parking receipts at public beaches; lost revenues from fishing licenses; replacing killed fish, shellfish and waterfowl).
- ✓ Paying for lost livelihood wages of fisherman and shell fisherman, devaluation of property for sale. Private suits.
- ✓ Civil penalty for spilling into a water of the U.S.
- ✓ Criminal penalty for not notifying federal authorities. State agencies and contractors have no responsibility to notify for you.

Moral of the story: It's a lot cheaper to prevent a release than to clean one up.